

## **QATAR: Tier 2 Watch List**

Qatar is a destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Qatar is also a destination country for women who migrate for employment purposes and become involved in prostitution; some of these women may be runaway domestic workers whom traffickers force into prostitution, exploiting their illegal status. Over 90 percent of the country's workforce is comprised of men and women from South and Southeast Asia, Africa, and the Middle East who voluntarily come to work as low- and semi-skilled workers, primarily in construction, oil and gas, the service industry, transportation, and domestic work, but some are subjected to forced labor. Female domestic workers are particularly vulnerable to trafficking due to their isolation in private residences and lack of protection under Qatari labor laws. Previous reports by an international organization alleged Nepali and other migrant workers in Qatar died primarily due to poor working conditions.

Qatar's low-skilled migrant workers continue to comprise the largest group at risk of trafficking. Many migrant workers arriving in Qatar pay exorbitant fees to recruiters in their home countries, and some recruitment agencies in labor-sending countries lure foreign workers with false employment contracts. Qatar's current sponsorship system places significant power in the hands of employers, who have unilateral power to cancel residence permits, deny workers the ability to change employers, and deny permission to leave the country. Debt-laden migrants who face abuse or are misled often avoid reporting their exploitation out of fear of reprisal, the lengthy recourse process, or lack of knowledge of their legal rights, making them more vulnerable to forced labor, including debt bondage. Instances of delayed or non-payment of salaries are a leading driver of forced labor, including debt bondage, in Qatar. Many migrant workers often live in cramped, unsanitary conditions, and many complain of excessive working hours and unpaid wages and also face denial of exit permits; threats of deportation and physical or financial harm; physical, mental, and sexual abuse; and hazardous working conditions. According to a 2014 study by Qatar University's Social and Economic Survey Research Institute, 76 percent of expatriate workers' passports are in their employers' possession, despite laws against passport confiscation, although this represents a decrease in passport retention since 2011, when 92 percent of expatriates reported that employers retained their passports. International rights groups and media report some migrant laborers face severe labor abuses, some of which amount to forced labor, and also allege a high number of foreign laborers have died from heart failure due to harsh work in extreme heat.

The Government of Qatar does not fully meet the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. Despite these efforts, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Qatar is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Qatar was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government reported prosecuting 24 suspected traffickers, including two exploitative employers, although some of these cases likely involved other

crimes often conflated with trafficking, including smuggling. For the first time, the government successfully used the 2011 antitrafficking law to convict 11 traffickers. Existing labor protections remained weak and favored the employer, and the labor law does not provide protection to domestic workers, leaving them vulnerable to forced labor or abuse. The government began to amend the sponsorship system, known as Kafala, which could drastically reduce vulnerabilities to forced labor. The Emir signed the Kafala reform law in October 2015, it was transmitted into the official gazette in December 2015, and implementation is to begin in December 2016. Despite the new law's elimination of indefinite contracts, it remains unclear whether employers will pressure employees to sign new five-year contracts (the maximum allowed) before these reforms come into effect; it is possible that these actions could subject workers to unfair labor practices. The government did not report the number of trafficking victims identified or provided services during the reporting period. During the reporting period, the government did not designate a government lead for anti-trafficking efforts; the previous oversight body, the Qatar Foundation for Protection and Social Rehabilitation (QFPSR), was removed as the antitrafficking lead and focused exclusively on caring for female and child victims of abuse. In November 2015, the government began implementation of the Wage Protection System (WPS), requiring employers to pay workers electronically, although it remained unclear whether the system flagged potential trafficking cases for criminal investigation. The number of workers who signed up for the WPS more than tripled during the reporting period from 407,051 to 1.3 million; however, implementation of the WPS was particularly challenging for small and medium-sized enterprises and start-ups.

#### **RECOMMENDATIONS FOR QATAR:**

Sufficiently implement reforms to the sponsorship system so it does not provide excessive power to sponsors or employers QATAR in granting and sustaining the legal status of workers; ensure reforms provide migrant workers with protection from abusive practices and working conditions that may amount to forced labor; increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers, particularly for forced labor crimes, under the anti-trafficking law; extend labor law protection to domestic workers and ensure any changes to the sponsorship system apply to all workers; ensure employers do not exploit workers using the WPS by collecting money from them before depositing their salary electronically; implement the WPS for all companies including small and medium-sized companies, joint ventures, and foreign-owned companies; enforce the law against employers who withhold workers' wages or passports; enforce the law requiring that employees receive residence cards within one week of arrival and further enforce the law criminalizing passport retention; consistently apply formal procedures to identify victims of all forms of trafficking proactively among vulnerable groups, such as those arrested for immigration violations or prostitution or those that flee abusive employers; provide victims with adequate protection services and ensure that shelter staff speak the language of expatriate workers; appoint a formal government lead to coordinate anti-trafficking efforts; collect, disaggregate, analyze, and report anti-trafficking law enforcement data; report data pertaining to the number of victims identified and the services provided to them; provide anti-trafficking training to government officials; and continue to conduct anti-trafficking public awareness campaigns.

#### **PROSECUTION**

The government increased anti-trafficking law enforcement efforts, although prosecution of labor trafficking cases, including passport retention crimes, needs to be increased. The comprehensive anti-trafficking law, enacted in October 2011, prohibits all forms of both sex and labor trafficking and prescribes penalties of no more than seven years' imprisonment and up to 230,000 Qatari riyal (\$82,000) in fines, with penalties of no more than 15 years' imprisonment for trafficking offenses committed with aggravating circumstances. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. The government prohibits employers' withholding workers' passports under the 2009 sponsorship law, punishable by a fine of up to 10,000 Qatari riyal (\$2,750). The government sporadically and inconsistently enforced this law during the reporting period and did not report any fines imposed on sponsors for withholding passports.

During the reporting period, the government reported investigating 24 potential trafficking cases. While more than double the previous year, some of these cases may have involved other crimes often conflated with trafficking, including smuggling. The government prosecuted and convicted 11 suspected traffickers, including the staff of two private companies under the 2011 anti-trafficking law as compared to no convictions in the previous reporting period. Media reports indicated that Qatar's criminal court had sentenced an Arab couple to prison for eight years and fined each of them 450,000 Qatari riyal (\$123,598) under charges of unintentional murder of a domestic worker and involvement in human trafficking crimes. According to the media, the couple had also enticed domestic workers to leave their employers with the promise of facilitating employment in a new household in return for large fees from both the domestic workers and prospective employers. The government has begun to prosecute exploitative employers under the 2011 anti-trafficking law, but other existing labor protections remain biased in favor of the employer. The government's primary solution for resolving labor violations was to transfer a worker's sponsorship to a new employer, ban the employer violating labor protections from new contracts or importing more laborers, and made minimal efforts to investigate whether the violations constituted forced labor. The government did not report investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses. In May 2014, a federal district court in Virginia issued a default judgment awarding damages to a former domestic worker, finding she was subjected to forced labor when she was employed by a Qatari diplomat; the diplomat has not paid the judgment and has since left the United States. In another case, a Qatari official and his spouse were indicted in May 2015 and pled guilty to visa fraud related to the alleged forced labor of two domestic workers. As part of their plea, the couple paid the workers restitution and left the United States. The government reported it continued to provide training for law enforcement officials, public prosecutors, judges, inspectors, civil society organizers, and public health professionals on investigating trafficking cases, the anti-trafficking law, and victim identification. The police training institute continued to train Ministry of Interior (MOI) officials on investigation techniques for trafficking cases.

## **PROTECTION**

It is unclear whether the government decreased efforts to protect victims of trafficking due to a lack of government provided statistics in this area, and many victims of forced labor, including debt bondage, likely remained unidentified and unprotected. The government did not report the number of victims identified or assisted during the reporting period, as it has in past years. Officials were less likely to

identify domestic workers, not covered by labor law, as trafficking victims, due to limited access to private homes and social customs. During the reporting period the government did not designate a new government lead for anti-trafficking efforts after the previous oversight body, the QFPSR, was dissolved of anti-trafficking responsibilities. QFPSR had been responsible for maintaining procedures to identify and respond to the needs of female and child victims of violence and continued to operate a shelter for women and child victims of violence at the Qatar House for Lodging and Care. The government offered female and child victims of violence, including trafficking victims, access to medical care, social services, psychological treatment, legal assistance, and rehabilitation and reintegration programs. The government continued to use its national victim referral system to coordinate victim identification and referral efforts between government authorities and NGOs. The referral system included the provision of safe shelter, health care, and legal assistance. During the reporting period, victims that received shelter services had the right to leave the shelter without supervision, and victims were able to access the shelter even if their employers had filed charges against them.

The government continued to punish some unidentified victims of trafficking for unlawful acts committed as a direct result of being subjected to trafficking. Authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations and running away from their employers or sponsors. Some victims occasionally languished in detention centers for up to six months due to debts allegedly owed or false charges of theft filed by their employers. The costs of legal representation under these circumstances were sometimes borne by the workers, but were often waived by the government due to workers' inability to pay. Domestic workers who were not covered under the labor law continued to face difficulties seeking legal redress for abuses through civil court action. During the reporting period, officials did not recognize severe labor abuses, including cases of domestic servitude, could amount to human trafficking. The government encouraged victims to testify against their traffickers by providing free legal counseling and allowing them to pursue financial compensation; however, it did not report how many victims testified against their traffickers or received these benefits during the reporting period. The government lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. MOI's Search and Follow Up and Human Rights departments coordinated with embassies to assist in repatriating migrant workers and reported providing 10,086 repatriation tickets free of cost—likely assisting some potential trafficking victims. Victims of abuse with pending cases were given the option of changing sponsors or returning to their country of origin, once their residency status was resolved. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

According to a published report, migrant workers noted that inspections are not frequent, and employers are not punished for violating the law. Workers indicated that the complaints process was not easily accessible and that the courts' process was lengthy. Some workers faced retaliation by their employers after filing complaints.

## **PREVENTION**

The government made modest efforts to prevent trafficking in persons. The government passed reforms to its sponsorship law during the reporting period, which could reduce vulnerabilities to forced labor. These reforms to the sponsorship system are expected to take effect in December 2016, and the announced changes will eliminate indefinite-term contracts and provide employees with the right to change employers at the end of their contracts and leave the country without the employer's permission through a government appeal mechanism. The mechanism will mandate an employer produce a court order within 72 hours of an employee's application to depart to sustain the employer's objection to the employee's departure, which will significantly improve expatriate's freedom of movement. Allegations of employers pressuring employees to sign new five-year contracts before these reforms come into effect remained a significant concern as these actions could subject workers to unfair labor practices. Once these reforms are officially implemented, a clear assessment and evaluation of their impact on addressing trafficking issues, including protections of all migrant workers and prosecution efforts can be made. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated this sometimes did not happen; the lack of a residence card essentially renders workers illegal and affects their ability to access health care or lodge complaints with authorities.

The government did not provide numbers on its budget to support its anti-trafficking efforts, except to say it was consistent with the previous year, which was reported as 42 million Qatari riyal (\$11.5 million). Government agencies and civil society representatives met several times during the reporting period to coordinate and assess national anti-trafficking efforts, including victim referral procedures, visa-selling issues, sponsorship transfer and entry and exit procedures, implementation of the WPS, and the reforms to the sponsorship system. The government continued to publish and distribute "worker rights" pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws and information on hotline numbers to report abuses. The government increased its cooperation with the Government of Nepal including cooperation between Nepali and Qatari human rights organizations, and participation in a joint tech camp in Kathmandu to develop technological solutions to address labor rights issues in the Nepal-Qatar migration experience. Following a high-profile visit to Nepal by the Qatari minister of labor, a memorandum of understanding was implemented establishing no-fee recruitment as the only means for ethical manpower sourcing.

During the reporting period, the government identified more than 21,000 violations of their labor code, resulting in the blacklisting of more than 4,400 companies, a significant increase compared with 200 blacklisted the previous reporting period. During the reporting period the government increased the number of labor inspectors; nonetheless, it did not systematically investigate companies for withholding workers' passports. In November 2015, the government began implementation of the WPS, which requires employers to pay workers electronically and increases penalties for violating the labor code. While intended to address late and unpaid wages, the largest category of labor complaints received by the Ministry of Labor and often indicative of forced labor, it remained unclear whether the system effectively flagged potential trafficking cases for criminal investigation. Implementation of the WPS was particularly challenging for small and medium sized enterprises and startups, joint ventures, and foreign-owned companies. Additionally, allegations of employees being forced to pay employers a certain

amount of money before having their wages transferred electronically raised significant concerns of employers finding a loophole to the system. The government routinely inspected and monitored recruitment companies and reportedly sought to punish companies found making fraudulent offers or imposing exorbitant fees for visas, which increased migrant workers' vulnerability to trafficking. The government did not report how many companies it referred for prosecution or whether it achieved any convictions for those suspected of illegal visa selling. The government did not report efforts to reduce the demand for commercial sex acts or forced labor, nor did it report efforts to prevent Qataris committing from child sex tourism offenses while traveling abroad. The government did not provide anti-trafficking training for its diplomatic personnel.